

Message

**From:** McGill, Thomas [McGill.Thomas@epa.gov]  
**Sent:** 8/27/2020 9:02:48 PM  
**To:** Calli, Rosemary [Calli.Rosemary@epa.gov]  
**CC:** Laycock, Kelly [Laycock.Kelly@epa.gov]  
**Subject:** RE: Urgent - needed this afternoon

Thanks, this is excellent!

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**From:** Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Sent:** Thursday, August 27, 2020 4:52 PM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>  
**Cc:** Laycock, Kelly <Laycock.Kelly@epa.gov>  
**Subject:** RE: Urgent - needed this afternoon

Tom – Bullets are in blue for 1 & 2. I added extra background information below in anticipation of questions, but hopefully the bullets are boiled down to public-friendly essential information.

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**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Thursday, August 27, 2020 3:04 PM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Ellington, Natalie <Ellington.Natalie@epa.gov>  
**Cc:** Allenbach, Becky <Allenbach.Becky@epa.gov>; Jones, Erica <Jones.Erica@epa.gov>  
**Subject:** Urgent - needed this afternoon

All

This afternoon we need to provide some updates to Mary. Please send to me, Becky and Erica asap, but not later than 5.

1. Roughly what share of waters is the state assuming?

## Ex. 5 Deliberative Process (DP)

2. What is the impact of assumption on the Everglades? Why?

## Ex. 5 Deliberative Process (DP)

3. What is the status of seagrass restoration in Tampa Bay? Where else have we done seagrass restoration? Is it working?
4. S FL Geographic Initiative – please provide the updated funding information (summary and this year's anticipated amounts). Along with a status of the projects this year.

5. Any hot issues in Tampa Bay area?

These should be bullets and any supporting information you already have. I am sending Mary the NEP briefing from yesterday now.

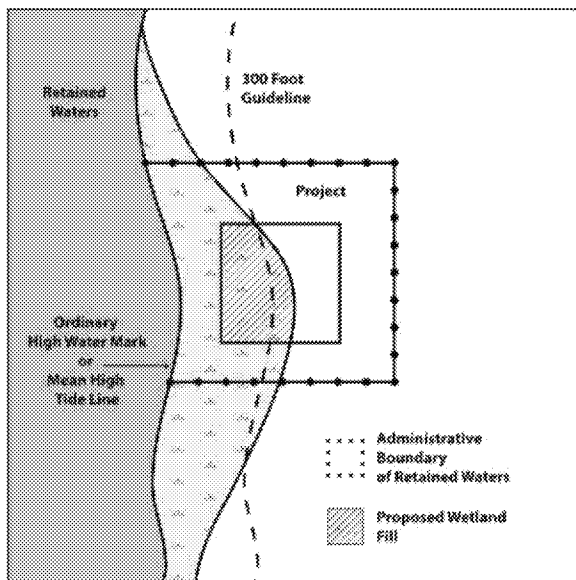
Jmg

Extra background:

**Administrative boundary definition:** The administrative boundary demarcating the adjacent wetlands over which jurisdiction is retained by the Corps is a 300-foot guide line established from the ordinary high water mark or mean high tide line of the retained water. In the case of a project that involves discharges of dredged or fill material both waterward and landward of the 300-foot guide line, the Corps will retain jurisdiction to the landward boundary of the project for the purposes of that project only.

**In other words,** if a project's boundary crosses the 300' guide line and there are impacts on the Corps side of that 300' guide line, the Corps will process the proposed permit for *all* waters within that project boundary; the project boundary is the administrative boundary of retained waters (for that project only).

Example 1. Project with dredge and fill activity both waterward and landward of the 300-foot guide line. This application would be processed by the Corps.



**Re: Civil Works, 404(r):**

The Corps-FDEP memo includes this language in Section V(B)2:

(2) Corps Civil Works projects involving the discharge of dredged or fill material into waters of the United States must be developed in accordance with the guidelines promulgated under Section 404(b)(1) of the CWA, as amended, unless exempted by Section 404(f) of the CWA. For Corps Civil Works projects in State assumed waters, other than projects specifically authorized by Congress for which the Corps has applied or will apply Section 404(r) of the CWA, the Corps and DEP will develop and follow, as practicable, mutually agreed upon procedures for submission of information necessary for DEP to process an application for a permit under the State 404 Program.

**CWA 404(r)**

(r) Federal projects specifically authorized by Congress

The discharge of dredged or fill material as part of the construction of a Federal project specifically authorized by Congress, whether prior to or on or after December 27, 1977, is not prohibited by or otherwise subject to regulation under this section, or a State program approved under this section, or section 1311(a) or 1342 of this title (except for effluent standards or prohibitions under section 1317 of this title), if information on the effects of such discharge, including consideration of the guidelines developed under subsection (b)(1) of this section, is included in an

environmental impact statement for such project pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and such environmental impact statement has been submitted to Congress before the actual discharge of dredged or fill material in connection with the construction of such project and prior to either authorization of such project or an appropriation of funds for such construction.